

BOULT ■ CUMMINGS  
CONNERS ■ BERRY PLC

RECEIVED

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October 14, 2002

REGULATORY AUTHORITY  
DOCKET ROOM

Honorable Sara Kyle, Chairman  
Tennessee Regulatory Authority  
360 James Robertson Parkway  
Nashville, TN 37201

Re: Petition of XO Tennessee, Inc to Open a Contested Case Proceeding to Monitor Compliance with TRA Rules and Orders on Directory Covers.

Docket No. 02-01106

Dear Chairman Kyle:

Enclosed are the original and fourteen copies of a Petition to Intervene filed on behalf of US LEC of Tennessee, Inc. in the above-captioned proceeding. A \$25.00 filing fee is enclosed.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

HW/nl  
Enclosure

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097855-001  
10/14/2002

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**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**October 14, 2002**

IN RE: <i>Petition of XO Tennessee, Inc. to Open a Contested Case Proceeding to Monitor Compliance with TRA Rules and Orders on Directory Covers.</i>	) ) ) )	Docket No. 02-01106
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**PETITION TO INTERVENE**

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US LEC of Tennessee, Inc. ("US LEC") petitions the Authority to intervene in the above-captioned proceeding pursuant to T.C.A. § 4-5-310(b).

The above-captioned docket was initiated by XO Tennessee, Inc. ("XO"). XO has petitioned the Tennessee Regulatory Authority ("TRA") to convene a contested for the purpose of monitoring the compliance of BellSouth Advertising & Publishing Corporation ("BAPCO") with the TRA's rules and orders on directory covers.

US LEC is a competitive local exchange carrier certified by the Tennessee Regulatory Authority ("TRA") to offer intrastate telecommunications services in Tennessee. Like XO, US LEC is interested in having its name and logo appear on the cover of the BellSouth telephone directory in certain markets. Like XO, US LEC is concerned that absent intervention by the TRA, US LEC and BAPCO will not be able to arrive at an agreement as to the terms and conditions under which competing carriers can arrange to be on the cover of BAPCO's directories. The TRA has directed that such terms must be "just and reasonable."

US LEC petitions to intervene in order to ensure that its interests are represented. As a certified telecommunications service provider, US LEC's legal rights, duties, privileges, immunities, or other legal interests or responsibilities may be affected or determined by the

outcome of this proceeding. Granting this petition will not impair the orderly and prompt conduct of these proceedings.

Respectfully submitted,

By: 

Henry Walker

Boult, Cummings, Conners & Berry, PLC

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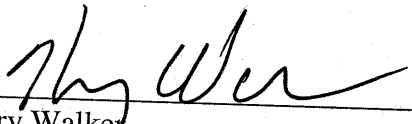
(615) 252-2363

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 14<sup>th</sup> day of October, 2002.

Guilford F. Thornton, Jr., Esq.  
Stokes & Bartholomew, P.A.  
424 Church Street  
27<sup>th</sup> Floor  
Nashville, TN 37219

Tennessee Regulatory Authority  
Attention: Richard Collier, Esq.  
460 James Robertson Parkway  
Nashville, TN 37243-0505

  
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